

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS P.O. Box 1450 Alexandria, Vignia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,716	03/04/2002	Dan French	32338-70964	4804
23643	7590 05/15/2003			
BARNES & THORNBURG			EXAMINER	
	I MERIDIAN POLIS, IN 46204		VO, HAI	
			ART UNIT	PAPER NUMBER
			1771	
			DATE MAILED: 05/15/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Ç				
	Application No.	Applicant(s)				
	10/090,716	FRENCH ET AL.				
Office Action Summary	Examiner	Art Unit				
	Hai Vo	1771				
Th MAILING DATE of this communication app ars on the cover sheet with the correspond nce address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	86(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONED	ely filed  will be considered timely. the mailing date of this communication.  (35 U.S.C. § 133).				
1)⊠ Responsive to communication(s) filed on <u>03 J</u>	<u>'uly 2002</u> .					
2a) This action is <b>FINAL</b> . 2b) ⊠ Thi	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims						
4)⊠ Claim(s) <u>1-5</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-5</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>04 March 2002</u> is/are: a						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 00 0.0.0. 3 1 10(a)	, (d) or (i).				
	s have been received					
<ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> </ul>						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
<ul> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> <li>15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7	5) 🔲 Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)				
S. Patent and Trademark Office						

Application/Control Number: 10/090,716 Page 2

Art Unit: 1771

## Claim Rejections - 35 USC § 102

 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Murch (US 3,934,066). Murch teaches an intumescent arrangement comprising an insulation polyurethane foam 14 and an intumescent layer 11 disposed on the surface of the foam (figure 3, column 4, lines 35-37). Murch discloses the intumescent laminate useful as a fire door (column 11, lines 65-68). It is the examiner's position that Murch anticipates the claimed subject matter.
- 3. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tzur (US 4,632,865). Tzur teaches an intumescent arrangement comprising an insulation polyurethane foam 5 and an intumescent layer 4b disposed on the surface of the foam (figure 4, column 9, lines 38-45). It is the examiner's position that Tzur anticipates the claimed subject matter.
- 4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (US 4,015,386). Cook teaches a fire resistant door comprising an insulation polyurethane foam 18 and an intumescent layer 15 disposed on the surface of the foam (abstract, figures 1-4, column 3, lines 4-10). It is the examiner's position that Cook anticipates the claimed subject matter.

Application/Control Number: 10/090,716

Art Unit: 1771

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis (US

5,130,184). Ellis teaches an intumescent arrangement comprising an insulation

polyurethane foam and an intumescent layer disposed on the surface of the foam

(column 26, lines 35-37). Ellis teaches an intumescent arrangement comprising a

door and an intumescent layer disposed on the surface of the door (column 59,

lines 23-25). It is the examiner's position that Ellis anticipates the claimed subject

matter.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai Vo whose telephone number is (703) 605-

4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on

alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone

numbers for the organization where this application or proceeding is assigned

are (703) 872-9310 for regular communications and (703) 872-9311 for After

Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

(703) 308-0661.

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

Page 3